

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

AARON MOTEN,

:

Petitioner,

Case No. 3:19-cv-267

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Southeastern Correctional
Institution,

Respondent.

:

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 9) to whom this case was referred pursuant to 28 U.S.C. § 636(b) and noting no objections were filed thereafter, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has now expired, hereby ADOPTS said Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED with prejudice. Petitioner is DENIED any requested certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

DONE and ORDERED in Dayton, Ohio, this 21st day of November, 2019.

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge